Supreme Court, U.S.
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Case Number

S. Ct. 88-1826

IN THE

United States SUPREME Court

1989 TERM

PETITIONER'S REPLY TO OGLETHORPE'S SECOND BRIEF

JOHN G. BARROW JR.
Plaintiff - Appellant - Petitioner
vs.
RICHARD L. KING et. al.
Defendant - Appellee - ~~Respondant~~
Counsel for Oglethorpe Pr. Corp. only Gregory A Pesanell P.O. Box 231 Orlando, Florida 32802. No other Defendant shows enough respect for U.S. Supreme Court to answer

ON WRIT OF CERTIORARI FROM THE U.S. COURT OF APPEALS, ELEVENTH CIRCUIT ATLANTA, GEORGIA

John G. Barrow Jr.
A Layman without legal education
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IN THE SUPREME COURT OF
THE UNITED STATES
WASHINGTON, D.C. 20543

BARROW V KING, et. al. S.Ct 88-1826

The Supreme Court Rule 22.5 provides for a Reply Brief addressed to Arguments First raised in the Brief in opposition. The Brief in opposition that has been received by this Petitioner violates virtually every rule in the S.Ct.Rule Book, more specifically Rule 33 through out. This Respondents Brief in Opposition does offer a Summary of Argument and none other.

1) In this Summary Respondent makes a Great Big Deal out of the fact that the U.S. S.Ct. Rule 17 is not recited word for word. This is very true !

2) Respondent raves on about the full and fair consideration to the Petitioner's Argument.(This is absolutely FALSE !) THIS IS JUST THE POINT, the sole reason

for the filing of said Petition for Writ of Certiorari was to convey to the High Tribunal;

1) That this Action has never gotten past the requirements of Federal Rules of Civil Procedure Rule 7(a).

2) That there also has never been any pretense of a hearing on the issues.

3) That the District Court and the Court of Appeals have no evidence adduced to them and can give no reason for the denial of even the consideration of the Federal Questions submitted.

4) That this Petitioner Solmnly prays to God Almighty that this is a departure from the usual course of Judicial proceedings. A Traitor convicted for treason would not be denied even to one day in Court.

5) Wherefore any reasonable thinking and reading community would easily understand that the 11th Circuit Court of

Appeals has sanctioned the Void Decision of Hodges which must be the Sanction of the District Court's departure in conflict with all other courts.
If the Supreme Court does Sanction (by its denial) the affirmed Void Decision this will have the effect of the Supreme Court itself rendering a decision in conflict with the decision of the Supreme Court itself. See: Morrissey v Brewer 91 S Ct. @ 2605;
" The decisionmaker's conclusion in written form, indicating the evidence and the reason relied upon"

From the day the Original Complaint was filed there has been no evidence allowed by the Court to be filed. How could the Supreme Court have had any evidence to rely upon ? So what can the reason be for this Court to Sanction the District Court's Void Decision, affirmed by Tjoflat and Hatchett, Wahl's Buddy Buddy of the Jacksonville Bar ?

Has the Supreme Court not been duly informed that the Federal Courts ARE NOT OPEN to this Petitioner ? I truly trust that this is a departure from the accepted and usual Course of Judicial proceedings and that the Supreme Court by its denial has in effect sanctioned the Void Decision by the 11th Circuit's affirmance and the District Court's of not allowing and providing for a fair and impartial trial by Jury as demanded, constantly. Should the World conclude that the Supreme court of these United States does intend to deny an open court to this Petitioner, then Article 1 Sec. 25 means absolutely nothing.

Article 1, Section 25 Provides:

" The courts shall be open to every person, for redress of any injury, and justice shall be administered without sale, denial or delay. "

a) Judge Hodges truly rendered his

decision WITHOUT A COURT OPEN to this Petitioner, and so did the 11th Circuit!

b) Judge Hodges truly DEPARTED FROM accepted and usual course of the court.

" Shall be open to every person".

c) Judge Tjoflat and Judge Hatchett has " so far sanctioned Judge Hodges departure from accepted and usual course of judicial proceedings as to create a begging Call for an exercise of the Court's power of supervision.

How can this Petitioner receive his day in Court.? An open forum before an impartial Judge ?

Before a Jury of his Peers ?

The Principal Issue in this Action is The Impairing of Obligation of Contract.

The Court of First Instance and the 11th Circuit did decide this important question of Federal Law by ignoring same.

The Method used,is that the Court HAS NOT BEEN OPEN to;

a) Any responsive pleadings. F.R.C.P. Rule 7(a).

b) Any hearing on the issues.

c) Any confrontation of witnesses.

d) Any jury.

e) Any open forum.

f) Any impartial Judge.

g) Evidence allowed to be filed.

ALL Respondents havein fact admitted to every allegation in the Complaint by his lack of denial in the Lower Court See: Fed. R. Civ. P. Rule 8 (b) and 8(d). The problem being that the Federal Rules do appear to govern no one except the Plaintiff-Appellant- Petitioner and none other.

The Court of First Instance and the 11th Circuit Court of Appeals have indeed, litterally Raped all aspects of the Supreme Court's Rule 17.

ADDITIONAL FEDERAL QUESTIONS

There are dozens of Federal Questions in the Complaint of this Action, filed in the United States Court. See: Chapter (b) of Petitioners Appendix, Page b- 1 thru page 56.

This Maze of Unconstitutional Ordinances

1. Regulating interstate electric energy by State Political Subdivisions.
2. Use of land back in the Wilderness — who can farm this land and who is denied.
3. Taking of property without full and just compensation, in fact, no compensation at all !
4. Arbitrary and unreasonable emplementation of these unconstitutional regulations by State Agency.
5. Denial of Civil Rights.

ALL OF THESE QUESTIONS THAT HAVE BEEN RAISED, ARE IGNORED.

This High Tribunal is invited to Notice that there are many, many parties to this Action, a partial list follows:

Richard L King, as an individual
Hancock/ Oglethrope
Huidberg/ Florida Power & Light Co.
Michael S Mullin as an individual
Charles Pickett as an individual
Hazel Jones as an individual
Gene R Blackwelder, as an individual
John F Claxton, as an individual
James Testone, as an individual
Douglas Jones as an individual
Joanne Kirkland, as an individual

a) Absolutely not one of these parties so much as filed a Responsive pleading to the Original Complaint or the Amended Complaint.

b) The Court of First Instance made their decision upon the whims of Hravey F Schlesinger's own " Say-so"

Absolutely no evidence has been allowed to be presented , absolutely none of the averments of the Complaint have been denied.

LITTLE OR NO RESPECT SHOWN
TO THIS SUPREME COURT OF THE
UNITED STATES.

In response to the Petitioner's Petition for Writ of Certiorari, of all of the many Defendants listed in the Complaint there is but one Respondent.
The Miserable Brief of Gregory A Persnell, who violates virtually every rule in the Supreme Court Rule Book.
If ever there was a maze of proceedings that was ;

1. In conflict with other Federal Court decisions.
2. Ignored Federal Questions.
3. Departed fron accepted and usual course of judicial proceedings.
4. Sanctioned such departures by the lower court.
5. And Begging for an exercise of this Court's Power of Supervision.

THIS IS IT !

This Petitioner would but skin his ignorance in any effort to persuade this High Tribunal to grant a Writ of Certiorari.

All that this Petitioner does ask is for these Great Scholars of the law, to search their Great Wisdoms in an effort to determine the specific evidence and the specific reason relied upon, making same known in written form so as to enlighten the World as to why the courts are no longer open to all persons?

The Reason why this Petitioner cannot be given a chance in open forum for redress of grievances,before an unbiased Judge ?

The Character of the more special reason to consider the granting of the Writ of Certiorari is found in absence of any denial of any averment in any Complaint. This admission of truth by the absence of any denial, cannot be hidden under the rug. It will not sleep !

A RENEWED DEMAND FOR A DAY IN COURT

The Record must show that pursuant to the Supreme Court Rule 17.1

(a) A review of Writ of Certiorari is not a matter of right.

(b) However, this absence of right to a review does not foreclose on the unquestionable duty of this High Tribunal of legal Might to uphold the Constitution.

(c) Article 1 Section 25 is a very important part of our Constitution and does provide that :" The Courts shall be open to every person for redress of any injury and justice shall be administered without sale, denial or delay"

(d) Judge Hodges slammed the doors shut on the Temple of Justice, so far as applies to this Petitioner. Check the Docket Sheet. This Petitioner again demands his day in court before an impartial Judge which this Petitioner has not been afforded.

Will this Honorable Court uphold our Constitution of these United States ?

Standing on all four legs of R-17 a Review on Writ of Certiorari, this Petitioner understands "is not a matter of right. but of judicial discretion!" This is ever so clearly understood. However, when this Petitioner has tried over and over and over, to explain to this Supreme Court that the record will prove that this Plaintiff- Appellant- Petitioner has not seen anything that resembles "a day in court", "an open forum" or "the Jury" that was demanded over and over and over, then there can be but one conclusion, that is, that the Supreme Court does not believe in Article One, Section 25 of the United States Constitution.- That The United States Supreme Court will not uphold the Constitution of these United States and that this Person will not witness an open forum for the redress of any injury and that justice is not administered

without sale, denial or delay.

To indicate the Character of the reasons begging for an exercise of this Supreme Courts Power of Supervision is the facts as follows

1. There has not been one Respondant in this Action that has filed an appearance in this appeal to this Supreme Court. In any event there has been no copy sent to this Petitioner.

In the above styled action there has been submitted by no Defendant No denial of any issue in the District Court, 11th Circuit or in the Supreme Court ! Not One !

In this above styled Action which has had absolutely no adjudication of any issue in either the Court of First Instance or the Court of Appeals, there has been no Due Process of law. U.S.C.A. Const. Amend 5 which constitutes a Void Decision and truly a departure from the accepted and usual

course of judicial proceedings.

It is well known to all the World that the 11th Circuit has sanctioned this departure by the lower Court.

The lower court has awarded well over $140 thousand dollars to Harold B Wahl and his co-horts by the District court.

In Jones v Bales 58 F.R.D. 453 463 (N.D. Ga 1972) affid 480 F 2d 805 (5th Cir 1973)

The 5th Circuit Holds:

" Pro se litigants are not subject to the usual incentives against filing repetitive, frivolous or malicious lawsuits. They " are immune from imposition of costs if they are unsuccessful; and because of their poverty, they are practically immune from later tort actions for malicious prosecution or abuse of process"

This excess of $140 Thousand $140,000.00 of terrorism American Style is truly a departure from Jones v Bales above, and has been affirmed and sanctioned by the 11th Circuit See: S.Ct. Rule 17 (a).

Now comes the United States Supreme Court which holds in:

Morrissey v Brewer 92 S Ct @ 2605

" Moreover, in each case the decision-maker must be impartial there must be some record of the proceedings and the decisionmaker's conclusions MUST BE SET FORTH IN WRITTEN FORM, indicating both the evidence and the reasons relied upon because the Due Process Clause requires these proceedings"

How can I explain to my grandchildren and my neighbors the evidence and the reasons relied upon for its denial by this Supreme Court which is in conflict with Morrissey v Brewer above ?

Is the Constitution really dead ?

Is there any way for this Petitioner to experience an Article One Section 25, Open Court before an unbiased judge and jury so as to provide for adjudication of the issues that have arisen ?

This is a Federal Question that a Federal Court of Appeals has decided to ignore and should be settled by the United States Supreme Court.

Still more departure from the accepted and usual course of judicial proceedings follows:

1. Federal Rules of Civil Procedure Rule 7(a) Mandates:
" There shall be a Complaint AND AN ANSWER To this date there has been no answer from any defendant. Whereupon the Clerk of the Court at the end of 20 days should have entered default of the various defendants.

2. FEDERAL RULES OF CIVIL PROCEDURE RULE 8

b) Defenses; Form of denial;

" A party shall state in short and plain terms his defenses to each claim asserted. and shall ADMIT or DENY the averments upon which the adverse party relies"

d) Effect of failure to deny;

" Averments in a pleading to which a responsive pleading is required other than those as to the amount of damage are admitted WHEN NOT DENIED in the responsive pleading"

There has been no responsive pleading.

These departures from the accepted and usual course of judicial proceedings have also been sanctioned by the 11th Circuit Court of Appeals , this too, does call for an exercise of this Court's Power of Supervision.

In The Court of First Instance, Hodges Consolidation of all cases filed by this Plaintiff, this was repugnant to Edwards v Du Pont De Memours 183 F 2d 165 , The Fifth Circuit Holds:

" It cannot deprive the plaintiff of his right to prosecute his suit to final determination in his own way"

Wherefore, Hodges consolidation of these cases was in conflict with Edwards v Du Pont et al. and the accepted and usual course of judicial proceedings.

Then the Defendants of all of these various cases simultaineously filed for Summary judgment in conflict with Whitaker v Coleman (C.C.A. 5th) 115 F 2d 305 illegally using said summary judgment as responsive pleadings and the lower court did by the use of the summary judgment as a catch penny contrivance operating to deprive this plaintiff a live trial , when in fact there was dozens upon top of dozens of genuine issues of material facts to be tried. The above, more departure from the accepted and usual course of judicial proceedings.

The Appendix to Oglethropes' Second Response violates Rule 33 just as atrociously , as did their First Brief and Appendix combination.

THE 11th CIRCUIT COURT OF APPEALS

Judge Tjoflat, Judge Johnson and Judge Hatchett in their affirming the decision of Schlesinger's erroneous allegations, couched on his own say-so admitted that they, the 11th Circuit did not understand all that they knew, which was nothing.

a) They did not understand --- "the judgment does not indicate."

b) They had no evidence and

c) They had no reason on which to couch their affirmance of the lower courts departure from accepted and usual course of judicial proceedings.

d) The 11th Circuit merely affirmed Schlesingers erroneous allegations what ever they were -- and what they were was not -- known to the Honorable 11th Circuit Judicial Panel.

e) Because of the 11th Circuits be-fuddlement of what ever the Schlesinger decision delivered to Hodges, who knew even less may have been the Great Judges Tjoflat and Judge Johnson and Judge Hatchett did in the name of justice affirm blindly Schlesingers heinously false allegations.

The affirmed decision of the 11th Circuit was cottoned to that which they did " Con strue" NOT BY ANY JUDICIAL WISDOM or by any other accepted and usual course of judicial proceedings. See Petitioners Appendix to Petition Page c-2.

IN THE UNITED STATES DISTRICT COURT

1) Based upon none of the Appellants pleadings.

2) Having heard not one issue.

3) Adjudicating not one of the issues that has arisen.

4) One Harvey E Schlesinger, did decide

a) All of the Federal Questions.

b) All of the issues on his own "say-so"

c) And did decide all relevant matters supplying his own evidence which is a departure from the accepted and usual course of proceedings.

5) One Federal Judge Hodges whom Petitioner has never seen and neither did Judge Hodges or Schlesinger have before him .

6) Then came the 11th Circuit who like Schlesinger and Judge Hodges did receive NO evidence and can give no judicial reason and does not have any jurisdiction of the subject matter because Judge Hodges or Schlesinger had NO one before them and the Wise Old Tjoflat, Johnsom, and Hatchett did sanction Schlesingers departure from the accepted and usual course of judicial proceedings.

In the District Court Judge Hodges the decisionmaker, using Schlesinger to handle the dirty stick and using Schlesinger's erroneous and sleazy allegations as a

substitute for the Plaintiffs complaint did put on record in written form his reason for his decision.

a) The plaintiffs written objection.

b) Hodges " Consideration" with no evidence presented or allowed to be presented as there has been no hearing HAD.

c) And "due consideration" 250 miles --- distant, Hodges has had no one before him, wherefore he has no jurisdiction of the person and this eleminates and forecloses upon jurisdiction of the subject-matter.

All of Hodges Jazz does constitute a departure from the accepted and usual course of judicial proceedings and the 11th Circuit court of Appeals has so far sanctioned all of Hodges romance and departure in the lower court.

The Chain reaction of Schlesingers no evidence and no reason to rely upon which in turn gave Hodges no evidence and no reason to rely upon which in turn gave

Tjoflat, Johhson and Hatchett absolutely no evidence and no reason to rely upon in making their decision.

If this Supreme Court of these United States will or will not exercise this Courts Power of Supervision, does face this Supreme Court.

The World anxiously awaits your Wise Decision.

AFFIDAVIT OF GOOD FAITH

Now Comes JOHN G BARROW JR, the Petitioner in this Action who demands to impress upon this Honorable Supreme Court of these United States of the pertinacious and obstinate facts that his honest intentions in this Cause of Action is only for the purpose of obtaining a Fair and Speedy administration of Justice.

I Hereby Certify this 1 st day of Aug.,1989 that I did furnish a true copy of the foregoing instrument to;

Gregory A Presnell P.O. Box 231 Orlando Florida 32802; Martin Ade, Birchfield and Johnson. P.O. Box 59 Jaclsonville, Florida 32201; Michael S Mullin 416 Centre Street Fernandina Beach, Florida 32034.

John G Barrow

JOHN G BARROW JR

ACKNOWLEDGMENT FOR PERSONS

STATE OF FLORIDA
COUNTY OF NASSAU

Before me personally appeared JOHN G BARROW Jr to me well known and known to me to be the person described in and who executed the foregoing instrument and acknowledged to and before me that he executed said instrument for the purposes therein expressed.

WITNESS My Hand and Official Seal this 1 st day of Aug., A.D. 1989.

Alma M. Barrow

ALMA M BARROW
Notary Public
State of Florida

My Commission expires

NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: NOV. 20. 1992.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

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